

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed September 22, 2005. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 41 – 60 remain pending. In particular, Applicants add claims 41 – 60, cancel claims 21 – 40 without prejudice, waiver, or disclaimer. Applicants cancel these claims merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Gauthier spent with Applicants' Attorney, Anthony Bonner during a telephone discussion on November 2, 2005 regarding the outstanding Office Action. During that conversation, Examiner Gauthier seemed to indicate that it would be potentially beneficial for Applicants to make amendments contained herein. More specifically, Examiner Gauthier seemed to indicate that more clearly reciting that a determination of at least one user preference setting is made, wherein the at least one user preference setting indicates whether the subscriber desires to receive the

incoming message with the notification would be beneficial. Thus, Applicants respectfully request that Examiner Gauthier carefully consider this response and the amendments.

II. Canceled Claims 21 – 40

The Office Action indicates that claims 21 – 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. publication number 2004/0076272 A1 (“*Zafar*”) in view of U.S. publication number 2003/0131143 A1 (“*Myers*”). While Applicants respectfully traverse this rejection, Applicants cancel these claims and submit that this rejection is now moot.

III. New Claims 41 – 60

A. New Claim 41 is Patentable Over the Cited Art

Applicants submit that new claim 41 is allowable for a least the reason that the cited art fails to disclose, teach, or suggest a “method, at an enhanced notification server, for notification of messages comprising...determining at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification...” as recited in new claim 41.

B. New Claim 47 is Patentable Over the Cited Art

Applicants submit that new claim 47 is allowable for a least the reason that the cited art fails to disclose, teach, or suggest a method, at an enhanced notification server, for notification of messages “further comprising, in response to a determination that the at least one user preference setting indicates that the subscriber prefers to receive the incoming message with the notification, attaching the incoming message to the notification...” as recited in new claim 47.

C. New Claim 48 is Patentable Over the Cited Art

Applicants submit that new claim 48 is allowable for a least the reason that the cited art fails to disclose, teach, or suggest an “enhanced notification server configured to... determine at least one user preference setting, wherein the at least one user preference setting indicates whether the subscriber desires to receive the incoming message with the notification...” as recited in new claim 48.

D. New Claim 54 is Patentable Over the Cited Art

Applicants submit that new claim 54 is allowable for a least the reason that the cited art fails to disclose, teach, or suggest an enhanced notification server “further configured to, in response to a determination that the at least one user preference setting indicates that the subscriber prefers to receive the incoming message with the notification, attach the incoming message to the notification” as recited in new claim 54.

E. New Claim 55 is Patentable Over the Cited Art

Applicants submit that new claim 55 is allowable for a least the reason that the cited art fails to disclose, teach, or suggest a “method, at an enhanced notification server, for notification of messages comprising... forwarding the notification to the communications device in response to a determination that the user is available on the communications device, wherein the notification includes a query whether the subscriber desires to receive the incoming message via the second message server; and in response to receiving an indication that the subscriber desires

to receive the incoming message via the second message server, retrieving the incoming message from the first messaging server...” as recited in new claim 55.

F. New Claims 42 – 47, 49 – 54, and 56 – 60 are Patentable Over the Cited Art


In addition, dependent claims 42 – 47 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 41. Further, dependent claims 49 – 54 are believed to be allowable for at least the reason that they depend from allowable independent claim 48. Additionally, dependent claims 56 – 60 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 55. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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